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EXAMINER
BASEHOAR, ADAM L

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2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/037,683	BRAYTON ET AL.
Office Action Summary	Examiner	Art Unit	
	ADAM L. BASEHOAR	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 January 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>29-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>29-48</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: The RCE filed 01/28/09.

2.   All previous rejections to the claims remain have been withdrawn.

3.   Claims 29-48 remain pending in the case. Claims 29, 37, and 46 are independent claims.

Claim Objections

4.   Claim 48 is objected to because of the following informalities: Claim 48 as currently

recited is an exact duplicate of claim 47. This duplication appears to be an accidental error (i.e.

claim 48 has not been identified as currently amended) and as such claim 48 will be evaluated on

its previously presented limitations (i.e. "The server of claim 46, comprising a lights-out

management module").   Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 29-43, 46, and 47, are rejected under 35 U.S.C. 103(a) as being unpatentable

Mateos (US-2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05).

        -In regard to independent claim 46, Mateos teaches a server comprising:

        a management module configured to generate dynamic data (Paragraph 13: "dynamic

information from the server");

a file system storing a web page that had both a first embedded object configured to access the dynamic data and a second embedded object configured to merge the dynamic data with the web page (Paragraphs 29-53: "web pages...example of a web page"; 55: "data section"; 56: "view section"; 58: "the dynamic information is retrieved...display the dynamic information on the client computer"), wherein the first embedded object is executable on a client remote from the server to request the dynamic data (Paragraph 28; Paragraphs 55-59: "browser interprets the HTML tags...a table with the dynamic data information retrieved from the database of the server computer...display of the web page on the client computer is then split into two distinct and consecutive steps...browser is responsible for executing these instructions, in order to display the dynamic information...script implements the Model that holds the dynamic information being manipulated...template implements the View, which manages the graphical and/or textual display of the dynamic information to the user"), and wherein the web page includes a scripting language function defined by the second embedded object (Paragraphs 45-53 & 56: "document further includes a view section...result of a document.write JavaScript command").

Mateos does not specifically teach wherein the first embedded object executed on the client specifically requests the dynamic data from the server. Coates teaches wherein a plurality of objects embedded in a web page executed on a client specifically request dynamic data (e.g. "object files") to be embedded in the web page from the server (column 26, lines 52-67; column 27, lines 1-65)(Figs. 25 & 26). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic information retrieved in Mateos to have been retrieved from the server based on a request from the client as taught in Coates, because Coates taught by having the embedded objects of the web page request the data from the server, the requested

object file content gain the benefit of being directly sent to the end-user computer (column 26, lines 52-67; column 27, lines 1-24: "servers object files directly to the end-user computer").

-In regard to dependent claim 47, Mateos teaches wherein the second embedded object was executable on a client remote from the server to merge the dynamic data with the web page (Paragraph 30: i.e. example web page rendered at the client browser; Paragraph 56: "view section"; Paragraphs 57-60: "browser interprets the HTML tags").

-In regard to independent claim 37, Mateos teaches a method of displaying a web page, comprising:

requesting at least a frame (Paragraphs 28, 54-56) of a web page (Paragraphs 29-30: "web pages...example of a web page") from a managed server (Paragraph 28: "server...delivers corresponding web pages"), wherein the frame comprised a first embedded object (Paragraphs 34-43 & 55) and a call to a scripting language function defined by the first embedded object (Paragraphs 45-50 & 56);

receiving the frame from the managed server (Paragraph 56-59);

requesting data (Paragraph 13: "Paragraph 57: "dynamic information") corresponding to the first embedded object from a managed server after receiving the frame from the managed server (Paragraphs 56-59: "denote the piece of information to be put in each cell...result of the document.write JavaScript command");

receiving the data corresponding to the first embedded object (Paragraphs 56-59);

calling the scripting language function defined by the first embedded object (Paragraphs 45-53 & 56: "document further includes a view section...result of a document.write JavaScript command") and

merging the data corresponding to the first embedded object into the frame (Paragraph 30: i.e. example web page rendered at the client browser; Paragraph 56: "view section"; Paragraphs 57-60: "browser interprets the HTML tags").

Mateos does not specifically teach wherein the requesting of the data corresponding to the embedded Javascript code was requested from the server after receiving the frame from the managed server. Coates teaches wherein a plurality of objects embedded in a web page, executed on a client, specifically request dynamic data (e.g. "object files") to be embedded in the web page from the server (column 26, lines 52-67; column 27, lines 1-65)(Figs. 25 & 26). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic information retrieved in Mateos to have been retrieved from the server based on a request from the client as taught in Coates, because Coates taught by having the embedded objects of the web page request the data from the server, the requested object file content gain the benefit of being directly sent to the end-user computer (column 26, lines 52-67; column 27, lines 1-24: "servers object files directly to the end-user computer").

-**In regard to dependent claim 38**, Mateos teaches comprises displaying a frame (Paragraph 56-57: "table with the dynamic information retrieved from the database of the server computer is displayed on the client computer").

-In regard to dependent claim 39, Mateos teaches evaluating the frame to identify a

source tag of the embedded object (Paragraph 56: "denote the piece of information to be put in

each cell...result of the document.write JavaScript command")

-In regard to dependent claim 40, Mateos teaches dynamic data from a management

module of the server (Paragraph 29: "retrieve dynamic information requested by the user";

Paragraph 57: "dynamic information retrieved from the database of the server computer").

-In regard to dependent claim 41, Mateos teaches wherein the dynamic data was

generated at run time in response to the request for data corresponding to the embedded object

(Paragraph 3: "download and display information whose content changes each time it is provided

by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic

information from a server computer of the network").

-In regard to dependent claim 42, Mateos teaches wherein the data corresponding to the

first embedded object comprises a scripting language function (Paragraph 55: "tag identifying a

script written in the JavaScript language")

-In regard to dependent claim 43, Mateos teaches wherein the frame could comprises a

plurality of embedded objects linked to dynamic data in the managed server, and wherein the

scripting language function was configured to merge the dynamic data with the frame (Paragraph

30: i.e. example web page rendered at the client browser; Paragraph 56: "view section";

Paragraphs 57-60: "browser interprets the HTML tags").

   -In regard to independent claim 29, Mateos teaches a method for serving data from a

managed server, comprising:

   serving a web page (Paragraphs 29-30: "web pages...example of a web page") to a

requesting computer (Paragraph 13: "requesting, by the client computer") from a managed server

(Paragraph 28: "server...delivers corresponding web pages"), the web page comprising a source

call (Paragraphs 29-43 & Paragraph 55) to an object file (Paragraphs 29 & 55-56) and code

including scripting language functions defined by the object file (Paragraphs 45-50 & 56),

wherein the requesting computer was remote from the managed sever (Fig. 2: 125c & 125s);

   receiving a request from the requesting computer to the managed sever for the object file

(Paragraph 57-59) ;

   populating the object file in real-time with data from a management module of the

managed server (Paragraph 3: "download and display information whose content changes each

time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer,

the dynamic information from a server computer of the network");

   serving the object file to the requesting computer after populating the object file

(Paragraphs 57-59).

   Mateos does not specifically teach wherein the requesting of the data corresponding to

the embedded Javascript code was requested from the server after receiving the frame from the

managed server. Coates teaches wherein a plurality of objects embedded in a web page,

executed on a client, specifically request dynamic data (e.g. "object files") to be embedded in the web page from the server (column 26, lines 52-67; column 27, lines 1-65)(Figs. 25 & 26). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic information retrieved in Mateos to have been retrieved from the server based on a request from the client as taught in Coates, because Coates taught by having the embedded objects of the web page request the data from the server, the requested object file content gain the benefit of being directly sent to the end-user computer (column 26, lines 52-67; column 27, lines 1-24: "servers object files directly to the end-user computer").

-**In regard to dependent claim 30**, Mateos teaches wherein populating the object file comprises populating the object file with a scripting function (Paragraph 30: i.e. note coded web page; Paragraph 55: "script written in JavaScript").

-**In regard to dependent claim 31**, Mateos teaches wherein the scripting function was JavaScript (Paragraph 55: "script written in JavaScript").

-**In regard to dependent claim 32**, Mateos teaches wherein populating the object file comprise populating the object file with an array of data (Paragraph 29: "assigns the value of a record (or field) extracted from the database"; Paragraphs 30-59).

-**In regard to dependent claim 33**, Mateos teaches wherein populating the object file comprises acquiring real-time data indicative of a current status of a server (Paragraph 3:

"download and display information whose content changes each time it is provided by the server

computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a

server computer of the network").

        -In regard to dependent claim 34, Mateos teaches wherein populating the object ifle

comprises providing a language localization file (Paragraph 60: "includes a field defining the

language of the strings"; Paragraphs 63 & 66).

        -In regard to dependent claim 35, Mateos teaches serving the web page configured for

a client computer which included a CPU, a storage memory, and RAM (Paragraph 23). Mateos

does not specifically teach wherein the web page was configured for a handheld or palmtop

computer platform. It would have been obvious to one of ordinary skill in the art at the time of

the invention for the client computer of Mateos to have been a handheld or palmtop computer for

receiving the web pages, because PDA's, palmtops, and handhelds were notoriously well known

in the art at the time of the invention as web computing devices that provided the benefit of

mobile web accesses. Additionally, Mateos teaches distributing the web page in HTML format

(Paragraph 28), which was notoriously well known in the art at the time of the invention to be

visualized by hand held or palmtop interfaces for the purpose of determining the layout and style

of displayed web content.

        -In regard to dependent claim 36, Mateos teaches serving the web page and dynamic

data across the Internet (Paragraphs 3-4, 13, & 22: "Internet"). Mateos does not specifically

teach when serving the web page, comprised serving a web page across a firewall. It would have been obvious to one of ordinary skill in the art at the time of the invention for the web page of Mateos to have been sent across a firewall, because it was notoriously well known in the art at the time of the invention that firewalls provided the advantage of increased network security by enforcing restrictions on certain users and data.

7.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable Mateos (US-2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05) in further view of Chen (US-6,021,437 02/01/00).

        -In regard to dependent claim 44, Mateos teaches a desire to provide the generated dynamic content from the server each time the content was requested by the client (Paragraph 3: "download and display information whose content changes each time it is provided by the server computer"; Paragraph 13: "requesting, by the client computer, the dynamic information from a server computer of the network"). Mateos does not specifically teach wherein the data corresponding to the embedded object comprises current time and the dynamic data gathered at the managed server at the current time. Chen teaches wherein a client request for dynamic data of a managed server was requested, gathered, and delivered for display at the current real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Mateos to have been created at a current real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

8.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (US-

2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05) in further view of Lynch et

al (US-6,823,319 11-2004).

      -In regard to dependent claim 45, Mateos teaches merging the dynamic data into the

zones or areas defined by the scripts in the HTML document (Paragraph 55-60). Mateos does

not specifically teach populating a drop-down menu with a dynamic data menu item. Lynch et al

teach utilizing static HTML as well as a script to populate a drop-down menu with menu items

for display to a user (column 7, lines 1-8). It would have been obvious to one of ordinary skill in

the art at the time of the invention for the scripted dynamic content of Mateos to have populated

a drop-down menu, because Lynch taught that said method saves time by creating the dynamic

data from previously entered data (column 2, lines 8-24; column 7, lines 1-15).

9.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (US-

2003/0050995 03/13/03) in view of Coates (US-6,952,737 10/04/05) in further view of "Compaq

Remote System Management for Industry-Standard Servers", Compaq Computer Corporation,

Technology Brief, September 2001 (Hereafter "Compaq").

      -In regard to dependent claim 48, Mateos does not teach a lights-out management

module for the server. Compaq teach a providing a lights-out management module for a

managed server (Page 8: "Lights-Out Technology"). It would have been obvious to one of

ordinary skill in the art at the time of the invention for Mateos to have operated a lights-out

management module for said managed server, because Compaq taught that a lights-out

management module maximized efficiency (Paragraph 3: Introduction) by enabling IT

administrators to be virtually present at the sever, as though they were actually standing in front

of it, which allowed administrators the ability to control the system for anywhere at any time

through a standard browser (Pages 8-9).

Response to Arguments

10.   Applicant's arguments with respect to claims 29, 37, and 46, have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Please note the additionally cited references on the accompanying PTO-892 Form.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Adam L Basehoar/
Primary Examiner, Art Unit 2178